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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/775,306	02/10/2004	Brian J. Carrigan	4316-040284	1519

28289 7590 02/12/2009

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EXAMINER	
SHAPIRO, LEONID	

ART UNIT	PAPER NUMBER
2629	

MAIL DATE	DELIVERY MODE
02/12/2009	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/775,306	CARRIGAN ET AL.	
	Examiner	Art Unit	
	Leonid Shapiro	2629	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *24 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-54* is/are pending in the application.

4a) Of the above claim(s) *20-54* is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-19* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

Election/Restrictions

1. Applicant's election with traverse of claims 20-25 in the reply filed on 11/24/08 is acknowledged. The traversal is on the ground(s) that claims 20-25 either directly or indirectly depend from claim 2. This is not found persuasive because claims do not dependent on claim 2, but using the method of comparing

The requirement is still deemed proper and is therefore made FINAL.

Drawings

2. The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the newly introduced limitation of independent claims 1,12: "…comparison of new frame pixels to reference frame pixels is performed rapidly enough so that new frame pixels are not missed" must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for

consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

Specification

3. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction of the following is required:

The newly introduced limitation of independent claims 1,12: "…comparison of new frame pixels to reference frame pixels is performed rapidly enough so that new frame pixels are not missed" is not described in the Disclosure.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

> The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

4. Claims 1-19 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to

which it pertains, or with which it is most nearly connected, to make and/or use the invention.

The newly introduced limitation of independent claims 1,12:

"…comparison of new frame pixels to reference frame pixels is performed rapidly enough so that new frame pixels are not missed" is not described in the Disclosure or shown in Figures.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-2,6-13,17 are rejected under 35 U.S.C. 102(b) as being anticipated by Hamapapur et al. (6,738,100 B2).

As to claims 1,12 Hamapapur et al. teaches a method and system of capturing a new video frame generated by a target computer, for display on the target computer's monitor to permit the updating of a remote computer with the video output of the target computer, , the method comprising the steps ,of, beginning with the initial new frame pixel: (A) beginning with an initial new frame pixel in a series of new frame pixels generated at a target computer pixel rate by the target computer for display on the target computer's monitor (fig. 5, item 232,col. 7, lines 29-40), receiving for comparison a new frame pixel from the series (fig. 5, items 228,232, col. 7, lines 8-40); then (B)

comparing the new frame pixel to a corresponding reference frame pixel (fig. 5, item 242,col. 7, lines 61-64); then (C) if the final new frame pixel has not been captured, repeating steps A and B for the next new frame pixel in the series (fig. 5, items 230,246, col. 7, lines 29-40).

Notice that references to target and remote computer are in preambles and show intended use. The recitation relating to target and remote computer has not been given patentable weight because the recitation occurs in the preamble. A preamble is generally not accorded any patentable weight where it merely recites the purpose of a process or the intended use of a structure, and where the body of the claim does not depend on the preamble for completeness but, instead, the process steps or structural limitations are able to stand alone. See *In re Hirao*, 535 F.2d 67, 190 USPQ 15 (CCPA 1976) and *Kropa v. Robie*, 187 F.2d 150, 152, 88 USPQ 478, 481 (CCPA 1951).

As to claims 2,6,13,17 Hamapapur et al. teaches step B comprises the steps of determining if said new frame pixel is different from said corresponding reference frame pixel, and, if said new frame pixel is different from said corresponding reference frame pixel, flagging a new frame update unit corresponding to said new frame pixel if said corresponding new frame update unit has not already been flagged (fig. 5, item 242,col. 7, lines 61-64).

As to claims 7-11 Hamapapur et al. teaches the step of storing the new frame pixel in a new frame storage location, wherein the storing step is timed to permit comparison between the new frame pixel and the corresponding reference frame pixel (fig. 5, items 228,232,246 col. 7, lines 8-40).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 3,14-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamapapur et al. in view of Schneider et al. (6,539,418 B2).

As to claims 3,14 Hamapapur et al. does not disclose the step of converting each new frame pixel from analog to digital before said new frame pixel is received.

Schneider et al. teaches converting each new frame pixel from analog to digital before said new frame pixel is received (fig. 6, item 705, col. 9, lines 53-67).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of incorporate teachings of Schneider et al. into Hamapapur et al. system in order to control of a remote computer (col. 2, lines 42-44 in the Schneider et al. reference).

As to claims 15-16 Schneider et al. teaches a programmable gate array and synchronous dynamic random access memory (col. 4, lines 18-48).

7. Claims 4-5,18-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hamapapur et al. in view of Sano (7,308,147 B2).

As to claims 4,18 Hamapapur et al. does not disclose a tile representing a plurality of pixels.

Sano teaches a tile representing a plurality of pixels (fig. 2, item 112, col. 5, lines 38-52).

It would have been obvious to one of ordinary skill in the art at the time of the invention to incorporate teachings of incorporate teachings of Sano into Hamapapur et al. system in order to simplify data processing.

As to claims 5,19, it generally considered to be within the ordinary skill in the art to adjust, vary, select or optimize the numerical parameters or values of any system absent of showing criticality of in a particular recited value. Thus, it would have been obvious to one of ordinary skill in the art at the time of invention to interchange value the tile size. Such a limitation would have been considered as obvious variation on the matter of selected tile sizes which fails patentably distinguish over the prior art of Bowman et al. and Yates et al. and Jones. In re Rose, 105 USPQ 237 (CCPA 1955).

Response to Arguments

8. Applicant's arguments with respect to claims 1-19 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP

§ 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Telephone inquire

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leonid Shapiro whose telephone number is 571-272-7683. The examiner can normally be reached on 8 a.m. to 5 p.m..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Hjerpe can be reached on 571-272-7691. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

02.05.09
/L. S./
Examiner, Art Unit 2629

/Richard Hjerpe/
Supervisory Patent Examiner, Art Unit 2629